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Message Text

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PAGE 01 STATE 028571

17
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FM SECSTATE WASHDC
TO AMEMBASSY VIENTIANE

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FOLLOWING REPEAT STATE 028571 SENT GENEVA DATED FEB 7.

QUOTE

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E.O. 11652: N/A

TAGS: SNAR

SUBJECT: ACQUISITION OF SEIZED OPIUM FOR MEDICINAL PURPOSES: CONFLICT BETWEEN 1953 PROTOCOL AND THE SINGLE CONVENTION

1. MISSION IS REQUESTED TO TRANSMIT TO THE SECRETARY OF THE INTERNATIONAL NARCOTICS CONTROL BOARD MESSAGE SET FORTH IN FOLLOWING PARAGRAPHS.

2. UNDER THE 1953 PROTOCOL, THE UNITED STATES OF AMERICA IS OBLIGED TO REFRAIN FROM PURCHASING OPIUM SEIZED IN THE ILLICIT TRAFFIC FROM ANY COUNTRY EXCEPT A PRODUCING STATE LISTED IN SUBPARAGRAPH (A) OF ARTICLE 6, WHICH IS A PARTY TO THE PROTOCOL; I.E., GREECE, INDIA, IRAN AND TURKEY. IN VIEW OF THE SHORTAGE OF OPIUM FOR MEDICAL PURPOSES, THE UNITED STATES DESIRES TO AUTHORIZE LIMITED OFFICIAL USE

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PHARMACEUTICAL FIRMS TO PURCHASE AND IMPORT SEIZED OPIUM

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FROM ADDITIONAL COUNTRIES UNDER THE PROVISIONS OF THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961.

3. UNITED STATES TREATY OBLIGATIONS UNDER THE 1953 PROTOCOL HAVE BEEN TERMINATED AND REPLACED BY ARTICLE 44 OF THE SINGLE CONVENTION WITH RESPECT TO ALL BUT NINE OF THE FIFTY OTHER COUNTRIES PARTY TO THE 1953 PROTOCOL.

THE UNITED STATES HAS, THEREFORE, CONSIDERED THAT THE PROVISIONS OF ARTICLE 7 OF THE 1953 PROTOCOL RELATING TO SEIZED OPIUM REMAIN IN FORCE BETWEEN THE UNITED STATES AND EACH OF THOSE NINE COUNTRIES, NAMELY CENTRAL AFRICAN REPUBLIC, PEOPLE'S REPUBLIC OF THE CONGO, EL SALVADOR, INDONESIA, ITALY, KHMER REPUBLIC, LIECHTENSTEIN, RWANDA, AND WESTERN SAMOA.

4. IN OCTOBER 1974, THE UNITED STATES GOVERNMENT REQUESTED THE ACQUIESCENCE OF EACH OF THOSE NINE COUNTRIES IN THE PURCHASE AND IMPORT BY UNITED STATES PHARMACEUTICAL FIRMS OF SEIZED OPIUM FROM COUNTRIES IN ADDITION TO GREECE, INDIA, IRAN AND TURKEY. TO DATE, THE UNITED STATES HAS RECEIVED SUCH ACQUIESCENCE FROM SIX OF THE NINE COUNTRIES, NAMELY CENTRAL AFRICAN REPUBLIC, EL SALVADOR, INDONESIA, LIECHTENSTEIN, RWANDA AND WESTERN SAMOA. HOWEVER, WE HAVE NO REASON WHATEVER TO BELIEVE THAT THE OTHER THREE COUNTRIES HAVE AN OBJECTION TO THE REQUEST OF THE UNITED STATES.

5. THE UNITED STATES GOVERNMENT WAS PRIVILEGED TO RECEIVE A COPY OF A LETTER DIRECTED TO MR. PLAPPHAM, LAOTIAN MINISTRY OF FOREIGN AFFAIRS, FROM MR. J. DITTERT, SECRETARY OF THE BOARD, CONCERNING THE SALE OF SEIZED OPIUM. WE DO NOT KNOW THE DATE OF THE LETTER BUT CONCLUDE FROM THE OTHER CORRESPONDENCE THAT IT WAS SENT DURING LATE SUMMER OF 1973. IN THE LETTER, SECRETARY DITTERT STATED IN PART, "SINCE THE 1961 CONVENTION ENTERED INTO FORCE IN DECEMBER 1964, SEVERAL COUNTRIES HAVE APPROACHED THE BOARD FOR ITS VIEWS ON THE ADVISABILITY AND LEGALITY OF EXPORTING OR IMPORTING SEIZED OPIUM. THE BOARD HAS ADOPTED THE VIEW THAT IN LIMITED OFFICIAL USE

CASES WHERE THE TWO COUNTRIES INVOLVED WERE BOTH PARTIES TO THE 1961 CONVENTION, THE INTERNATIONAL TRADE OF SEIZED OPIUM WAS PERMITTED UNDER PARAGRAPH 5 OF ARTICLE 24 OF THE 1961 CONVENTION WITH THE PROVISION THAT SUCH TRADE BE EFFECTED IN ACCORDANCE WITH THE OTHER REQUIREMENTS OF THIS CONVENTION. MORE SPECIFICALLY, THIS WOULD MEAN THAT SINCE LAOS IS NOW A PARTY TO THE 1961 CONVENTION IT MAY EXPORT SEIZED OPIUM TO ANOTHER PARTY TO THIS

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CONVENTION PROVIDING THAT ALL PROVISIONS APPLICABLE
TO INTERNATIONAL TRADE ARE OBSERVED."

6. IN VIEW OF THE OPIUM SHORTAGE, THE NEED FOR
PHARMACEUTICAL FIRMS OF THE UNITED STATES TO COMPETE
FOR SEIZED OPIUM AT THIS TIME, AND IN VIEW OF THE 1973
ADVISORY OPINION GIVEN TO THE LAOTIAN GOVERNMENT, THE

UNITED STATES GOVERNMENT DESIRES THE VIEWS OF THE
INTERNATIONAL NARCOTICS CONTROL BOARD AS TO THE APPRO-
PRIATENESS OF THE UNITED STATES PERMITTING THE IMPORTA-
TION OF SEIZED OPIUM UNDER THE PROVISIONS OF THE SINGLE
CONVENTION WHILE WE ARE AWAITING THE RESPONSES FROM THE
PEOPLE'S REPUBLIC OF THE CONGO, ITALY, AND KHMER
REPUBLIC.

7. WE ARE ALSO INTERESTED IN RECEIVING ANY INFORMA-
TION THE BOARD MAY HAVE IN REGARD TO INTERPRETATIONS
OF THE CONFLICTING PROVISIONS OF THE TWO TREATIES BY
OTHER MANUFACTURING COUNTRIES THAT SIMILARLY ARE PARTIES
TO BOTH THE 1953 PROTOCOL AND THE SINGLE CONVENTION;
E.G., ARGENTINA, BELGIUM, FRANCE, FRG, JAPAN, SPAIN,
AND SWITZERLAND. IT WOULD BE IMPORTANT TO KNOW WHETHER
ANY OF THOSE COUNTRIES HAVE IMPORTED SEIZED OPIUM
FROM A COUNTRY NOT NAMED AS A PRODUCER IN THE 1953
PROTOCOL.

8. FYI: AFTER RECEIVING BOARD'S VIEWS AND ANY
INFORMATION AVAILABLE REGARDING INTERPRETATIONS BY OTHER
COUNTRIES, WE WILL CONSIDER MATTER FULLY. HOPEFULLY,
MATTER CAN BE RENDERED MOOT BY ACTION OF THREE COUNTRIES
MENTIONED IN PARAGRAPH 3. BY SEPARATE MESSAGES, RESPON-
SIBLE MISSIONS HAVE BEEN REQUESTED TO ATTEMPT
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EXPEDITING US REGUEST FOR WAIVER. KISSINGER
UNQUOTE INGERSOLL

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